

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1673

Chapter 304, Laws of 1999

56th Legislature
1999 Regular Session

POLITICAL ADVERTISING--FALSE STATEMENTS

EFFECTIVE DATE: 7/25/99

Passed by the House April 23, 1999
Yeas 96 Nays 0

CLYDE BALLARD

Speaker of the House of Representatives

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 21, 1999
Yeas 41 Nays 3

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1673 as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

BRAD OWEN
President of the Senate

Approved May 13, 1999

FILED May 13, 1999 - 3:54 p.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State

State of Washington

SUBSTITUTE HOUSE BILL 1673

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on State Government (originally sponsored by
Representatives Lambert, O'Brien, Thomas and Sullivan)

Read first time 03/02/1999.

AN ACT Relating to false political advertising; amending RCW
42.17.530; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. (1) The Washington supreme court in a case involving a ballot measure, State v. 119 Vote No! Committee, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice.

Sec. 2. RCW 42.17.530 and 1988 c 199 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact {+ about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself +};"

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.